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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BARTELL RANCH LLC, et al.,) Case No.: 3:21-cv-80-MMD-CLB
(LEAD CASE)
Plaintiffs,)
)
v.)
)
ESTER M. MCCULLOUGH, et al.,)
)
Defendants,)
)
and)
)
LITHIUM NEVADA CORPORATION,)
)
Intervenor-Defendant.)
)

WESTERN WATERSHEDS PROJECT, et al.,) Case No.: 3:21-cv-103-MMD-CLB
) (CONSOLIDATED CASE)
Plaintiffs,)
)
RENO SPARKS INDIAN COLONY, et al.,)

22 After meeting and conferencing on administrative record issues and on
23 this proposed Motion, and pursuant to LR 26-3 and LR IA 6-1, all parties jointly propose
24 the following stipulation:

25 WHEREAS, the parties to this consolidated case previously submitted Case
26 Management Reports and Stipulations pursuant to Fed. R. Civ. Proc. 16 and the Court's
27 Orders Re: Case Management Report, and on September 13, 2021, the Court entered
28 their stipulations as its scheduling order as a single, consolidated case (ECF 94);

29 WHEREAS, the Federal Defendants on October 1, 2021 produced the
30 administrative record in light of Plaintiff-Intervenors' claims under the National Historic
31 Preservation Act ("NHPA record") and since that time, in compliance with the Court's
32 order, the Intervening Plaintiffs have met and conferred with Defendant Bureau of Land
33 Management (BLM) concerning certain requested supplementation of that record. In

1 response, Defendant BLM has expressed a willingness to review its files to determine
2 whether there are supplemental items that might resolve some of the objections by
3 Intervening Plaintiffs;

4 WHEREAS, Intervening Plaintiffs face an October 29, 2021 deadline to file
5 motions objecting to the composition of the NHPA record by minute order of Court (ECF
6 104);

7 WHEREAS, Defendant BLM's counsel has advised the parties that some of the
8 key staff members in the BLM's Winnemucca, Nevada office have recently fallen ill and
9 that consequently the agency has not been able to complete its internal file review to
10 complete the meet-and-confer step. This unavailability of BLM staff also has caused
11 Defendant BLM's counsel difficulties in consulting with staff on responses to three
12 pending motions, the Bartell Plaintiffs' Motion to Complete and Supplement the
13 Administrative Record (ECF 107); Defendant Lithium Nevada Corp.'s Motion to
14 Supplement the Record and Take Judicial Notice (ECF 110); and the Conservation
15 Group Plaintiffs' Motion on the Administrative Record (ECF 111) in time to respond to
16 those motions by BLM's present November 5, 2021 deadline.

17 WHEREAS, all parties agreed to extend all litigation deadlines by one week in
18 an effort to resolve some supplementation issues by consent and possibly reduce the
19 need for motion practice on the administrative record, as well as to give Defendant BLM
20 and Lithium Nevada additional time for response to pending motions and to extend time
21 for the parties which have moved for supplementation of the record to reply to
22 Defendant BLM's responses;

23 THEREFORE, the Parties agree and stipulate that the following deadlines will apply:

1 1. Intervenor-Plaintiffs Reno-Sparks Indian Colony, Atsa koodakuh wyh
2 Nuwu/People of Red Mountain and the Burns-Paiute Tribe and Lithium Nevada shall be
3 granted until November 5, 2021 to file objections and motions for supplementation of
4 the NHPA record.

5 2. Responses to the Bartell Plaintiffs, Conservation Group Plaintiffs' and Defendant
6 Lithium Nevada Corp.'s respective motions concerning the earlier Administrative Record
7 compiled in response to their claims shall be due by November 12, 2021.

8 3. Replies to the responses on the motions shall be due by November 19, 2021.

9
10 The filing of administrative record motions will require a new proposed schedule
11 for summary judgment briefing. The Parties will file a new proposed schedule for
12 summary judgment briefing by November 15, 2021.

13
14 Dated this 29th Day of October 2021

15
16 Respectfully submitted,

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16 *Attorneys for Plaintiff-Intervenor Burns Paiute Tribe*
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21 **CERTIFICATE OF SERVICE**

22 I hereby certify that on October 29, 2021, I filed the foregoing using the United States
23 District Court CM/ECF, which caused all counsel of record to be served electronically.
24

25 By: /s/Terry J. Lodge
Terry J. Lodge, Esq. (Ohio Bar No. 29271)